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December 16, 2021

**VIA ECF**

Honorable Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *N.A. v. N.Y.C. Dep't. of Educ.*, 21-cv-02643 (PGG)(SLC)

Dear Judge Gardephe:

I am an Assistant Corporation Counsel in the office of Corporation Counsel, Georgia M. Pestana, supervising attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq. ("IDEA"), as well as for this action.

Defendant respectfully requests that its time to file its opposition to Plaintiffs' Motion for Summary Judgment (ECF No. 23-33) (as well as its time to provide courtesy copies to the Court) be scheduled for December 17, 2021. Your Honor's Local Rule IV.C. specifies that "[t]he responding party shall electronically file opposition papers only when noticed by the moving party that the motion and reply papers are being filed." Here, Plaintiffs filed their submissions by ECF on the morning of December 13, 2021, but did not provide Defendant with notice *while* doing so (to my knowledge). It was therefore not possible for Defendant to file its submission while Plaintiffs filed their submission, or to deliver courtesy copies of its filing to Chambers as of that day, simultaneously or nearly simultaneously with those filed by Plaintiffs.

I was not informed until earlier today that Plaintiffs had filed their motion papers (ECF Nos. 23-33). As I had not appeared, I did not receive an ECF notice, and the two attorneys who had appeared were co-assigned responsibilities for preparing the motion papers, and I take full responsibility for not having ensured that Your Honor's Rules were more closely studied so that we would have earlier realized a mistake had occurred.

Accordingly, Defendants herein respectfully request that its time to file its opposition to Plaintiffs' Motion for Summary Judgment (ECF No. 23-33) be scheduled for December 17, 2021 (as well as its time to provide courtesy copies to the Court).

Thanks you for considering this request.

Respectfully Submitted,

/s/

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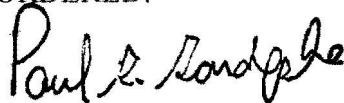
Martin Bowe  
Senior Assistant Corporate Counsel

Cc: Britton Bouchard, Esq.

**Memo Endorsement:** DOE will submit its  
opposition by December 21, 2021.

Dated: December 20, 2021

SO ORDERED.



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Paul G. Gardephe  
United States District Judge